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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,661	09/25/2003	Gerhard Klassen	A-3916	8363
24131	7590	03/30/2004	EXAMINER	
LERNER AND GREENBERG, PA P O BOX 2480 HOLLYWOOD, FL 33022-2480			CULLER, JILL E	
			ART UNIT	PAPER NUMBER
			2854	
DATE MAILED: 03/30/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/670,661

Applicant(s)

KLASSEN ET AL.

Examiner

Jill E. Culler

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 20030925.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,903,560 to Halff et al. in view of U.S. Patent No. 4,662,234 to Yokoyama et al.

Halff et al. teaches a sheet punching machine, 10, comprising a machine frame, 18, a stationary table, 26, having a counter plate, a movable table, 28, having a punching knife and disposed above the stationary table, see column 4, lines 56-63, and a stroke drive for reciprocatingly moving the movable table vertically relative to the counter plate, with at least one eccentric shaft, 52, mounted in the machine frame, pressure rollers, 72, eccentrically mounted on the eccentric shaft, wherein the movable table, 28, bears with spring force against the pressure rollers, 72, of the reciprocating stroke drive. See column 5, lines 12-36.

Halff et al. does not teach a non-uniformly acting mechanism for imparting a non-uniform movement to the movable table or non-circular gears providing the drive for the eccentric shaft.

Yokoyama et al. teaches a press having a stroke drive with a non-uniformly acting mechanism comprising non-circular gears, 22, 24, for imparting a non-uniform movement to the drive. See column 2, line 41 - column 3, line 6.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the machine of Halff et al. to use the non-uniformly acting drive mechanism of Yokoyama et al. to adjust the reciprocating motion of the movable table to better suit the demands for the feeding, removing and punching operations.

3. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Halff et al. in view of Yokoyama et al. as applied to claims 1-4 above, and further in view of U.S. Patent No. 3,815,494 to Bahnmüller.

Halff et al. and Yokoyama et al. teach all that is claimed, as in the above rejection of claims 1-4, except that the drive comprises a cam mechanism providing the drive for the eccentric shafts.

Bahnmüller teaches an embossing machine having a cam mechanism, 11, 12, for providing a non-uniform motion to a shaft. See column 3, lines 47-64.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the machine of Halff et al. to use the non-uniformly acting cam mechanism of Bahnmüller to adjust the reciprocating motion of the movable table to better suit the demands for the feeding, removing and punching operations.

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. 5,692,986 to Long et al., U.S. Patent No. 6,289,754 to Doege et al. and U.S. PGPUB 2003/0150315 to Lin each teach a non-uniformly acting drive mechanism having obvious similarities to the claimed subject matter.

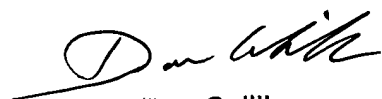
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jill E. Culler whose telephone number is (571) 272-2159. The examiner can normally be reached on M-Th 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2854

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jec

A handwritten signature in black ink, appearing to read "Dan Colilla", with a stylized flourish at the end.

Dan Colilla  
Primary Examiner  
Art Unit 2854